

REMARKS

Claims 1, 3-6, 8-10, 15, 16, 18, 19 and 21-43 are all of the claims pending in the application; claims 8 and 18 have been withdrawn from consideration; claims 1, 3-6, 9, 10, 15, 16, 19 and 21-43 are rejected.

After entry of the Amendment, claims 2, 3, 7, 11-14⁷, 17, 20, and 22-25 will be cancelled, claims 44-47 will be added, and claims 1, 4-6, 8-10, 15, 16, 18, 19, 21, 26-47 will be pending.

The present Amendment is substantially the same as the Amendment Under 37 C.F.R. §1.116 filed in this application on December 15, 2003 (un-entered). The changes primarily relate to the issues raised by the Examiner in the Advisory Action dated January 29, 2004, namely, recitation of “imidazo[1,2-a]pyridyl” in place of “imidazopyridyl” in the definition of element A, deletion of “COOH” as a substituent on element D in claim 4, and correction of the dependency of claim 4.

Applicants have also canceled claims 22-25, and renumbered these claims as claims 44-47. As claims 22-25 depended on claims of higher numbers, namely claims 32 and 39, they were of improper format. Thus, the amendment to these claims was not for reasons related to patentability.

No new matter has been added. Entry of the amendment is respectfully requested.

I. Rejection of Claims Under 35 U.S.C. §102(e)

At paragraph 1 of the Office Action, the rejection of claims 1, 3-6, 9, 10, 15, 16, 19 and 21-43 under 35 U.S.C. §102(e) as being anticipated by Betageri et al. (U.S. Patent No. 6,506,747) has been maintained for the reasons provided in the previous Office Action (dated April 9, 2003).

II. Rejection of Claims Under 35 U.S.C. §103(a)

At paragraph 2 of the Office Action, the rejection of claims 1, 3-6, 9, 10, 15, 16, 19 and 21-43 under 35 U.S.C. §103(a) as being unpatentable over Betageri et al. has been maintained for the reasons provided in the previous Office Action (dated April 9, 2003).

III. Examiner's Position

The Examiner states that the disclosure of the priority document filed on July 1, 2003, does not support the full scope of the claimed invention. The Examiner points to the groups recited in the definition of element A of formula (I) shown in claim 1 as an example. The Examiner states that the priority document does not support several of the groups defined for A in the claims.

Because the Examiner was unable to find support in the priority document for each element recited in the pending claims, the Examiner has not accorded the priority date of October 13, 1997, to the pending claims, and thus concludes that Betageri et al. may properly serve as prior art against the claims. The Examiner has maintained the rejections of the claims, as noted above, on this basis.

IV. Applicants' Comments

In response, Applicants have amended the claims such that each element of the subject matter recited in the amended claims is fully supported by the disclosure of the Japanese priority application (JPA 9-279093), filed October 13, 1997. A sworn translation into English of the priority application was submitted with the Amendment filed July 1, 2003, in this application.

Specifically, the amended claims only encompass those pyrazole compounds shown in Tables 13-23 of the priority application. "A" is restricted to the group consisting of aryl,

heteroaryl, cycloalkyl and Alk, which are disclosed in the Tables (Alk is disclosed as substituted Alk, namely, 'benzyl'). The preferred substituents on aryl or heteroaryl are disclosed at line 2 from the bottom of page 25 to line 8 of page 26 of the priority document. Support for "imidazo[1,2-a]pyridyl of element A is shown in rows 1-4 in Table 5 of the application.

With regard to substituents on D, 'pyrazole' is one of the heteroaryls disclosed in line 2 to 6 of page 24 of the priority document.

As to claims 37-43, the claimed compound (4'-[3,5-bis(trifluoromethyl)-1H-pyrazol-1-yl]-4-methylthiazole-5-carboxanilide) is disclosed in the priority document as the compound of Example 119 in Table 20 on page 97. Furthermore, the activities for CRACC inhibition and IL-2 production inhibition, and application to diseases such as asthma and rheumatoid arthritis, are also disclosed in the priority document. It is unclear to Applicants why these claims were included in the rejection of claims in the outstanding Office Action as they are clearly supported in the priority document.

In view of the amendment of the claims, such that the subject matter recited therein is fully supported by the priority document, Betageri et al. is not legally effective prior art against the claims of this application. Thus, Betageri et al. may not serve as a basis from which to reject the amended claims under 35 U.S.C. §102 or §103.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the outstanding prior art rejections in this application.

V. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

AMENDMENT UNDER 37 C.F.R. §1.114(c)
U.S. Appln. No. 09/773,736

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Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

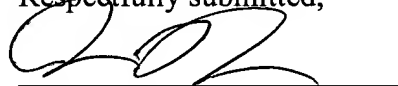
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